

Inner City Press

July 27, 2023

By ECF

Hon. Lewis A. Kaplan, United States District Judge
Southern District of New York, 500 Pearl Street, New York, NY 10007

Re: Press opposition to sealing of documents defendant already provided to the New York Times, in US v. Bankman-Fried, et al., 22-cr-673 (LAK) and/or to intervene, if deemed necessary

Dear Judge Kaplan:

Inner City Press has been covering the above captioned criminal case and has just seen the defense's cursory application to file under seal the documents that Mr. Bankman-Fried provided to the New York Times. The request is internally inconsistent: the defendant already gave them to one media outlet. It is akin to the evisceration of a Freedom of Information Act exemption by a record being already publicly available.

Again, this defendant is being treated different than other defendants in this District, most recently by the dropping of (campaign finance) charges due to the position of another country (the Bahamas).

It appears unclear how the issue has been resolved of the July 13, 2023 defense submission of/on a list of people whom defendant seeks to exempt from the conditions that "(1) a security guard must be present at the house to screen the visitors for any electronic devices, and (2) the visitors must sign the electronic visitor log."

"Representatives of the press must be given an opportunity to be heard on the question of their exclusion from a court proceeding, and we have recognized a similar right of news media to intervene in this Court to seek unsealing of documents filed in a court proceeding." *Trump v. Deutsche Bank AG*, 940 F.2d 146, 150 (2d Cir. 2019).

"The common law right of public access to judicial documents is firmly rooted in our nation's history." *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006).

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This is an application for this court to grant or if necessary schedule a hearing on this challenge to the proposed withholding of this information, as SDNY Judges Hellerstein, Castel, Furman and others have done. See, e.g., <https://storage.courtlistener.com/recap/gov.uscourts.nysd.516151/gov.uscourts.nysd.516151.85.0.pdf> and *US v. Weigand*, 20-cr-188 (JSR), see Dkt. No. 250.

As with the previous and successful opposition to the attempted sealing of this defendant's suretors, this application by letter filed on ECF.

If appropriate, PLEASE TAKE NOTICE that Inner City Press and its undersigned reporter, in personal capacity, will move this Court before Honorable Lewis A. Kaplan, U.S. District Judge for the Southern District of New York, at a date and time directed by the Court, for entry of an order granting permission to be heard on sealing or unsealing of the documents the defendant already gave to the New York Times, of the list submitted on July 13, 2023 and other information in *US v. Bankman-Fried, et al.*, 22-cr-673 (LAK).

Thank you.

Respectfully submitted,

/s/

Matthew Russell Lee
Inner City Press

cc: counsel via ECF